

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVID HIEBER,

Case No. 22-11417

Plaintiff,

F. Kay Behm

v.

United States District Judge

OAKLAND COUNTY, *et al.*,

Defendants.

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**ORDER GRANTING MOTION FOR LEAVE TO EXCEED PAGE  
LIMIT IN PART (ECF No. 69) AND STRIKING RESPONSE TO  
MOTION FOR SUMMARY JUDGMENT (ECF No. 70)**

Plaintiff filed a motion for leave to file a 33-page response brief in opposition to Defendants' motion for summary judgment. Defendants sought and were granted leave to file a 30-page summary judgment brief. (See Text-Only Order dated 8/8/23). The court **GRANTS** the motion in part and will allow Plaintiff to file a 30-page response brief. The court also notes that the response fails to comply with the court's practice guidelines, which require:

The response to a Rule 56 motion must begin with a "Counterstatement of Material Facts" stating which facts are admitted and which are contested. The paragraph numbering must correspond to moving party's Statement of Material Facts. If any of the moving party's proffered facts are contested, the non-moving party must explain the basis for the factual

disagreement, referencing and citing record evidence. Any proffered fact in the movant's Statement of Material Facts that is not specifically contested will, for the purpose of the motion, be deemed admitted. In similar form, the counterstatement may also include additional facts, disputed or undisputed, that require a denial of the motion.

See Practice Guidelines, Motion Practice, subpart F,

<http://www.mied.uscourts.gov/index.cfm?pageFunction=chambers&judgeid=57>.

Plaintiff's response does not contain a counter-statement of facts complying with this practice guideline. Accordingly, the response is **STRICKEN**. Plaintiff may file a response comporting with this Order by **October 24, 2023**.

**SO ORDERED.**

Date: October 20, 2023

s/F. Kay Behm

F. Kay Behm

United States District Judge